

MEMORANDUM

JUNE 5, 1980

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: ZONING TEXT AND MAP AMENDMENTS:
REDUCTION OF HEIGHT LIMITS AND FLOOR AREA RATIOS
IN RESIDENTIAL BACK BAY AND NEWBURY STREET

These proposed amendments, by Judith Porteus and Kathleen Mullen, for the Neighborhood Association of the Back Bay, would change the present H-5-70 and B-4-70 districts to H-3-65 and B-3-65 districts, thus reducing, in each case, the floor area ratio to 3.0 and the height limit to an absolute 65 feet, from 70 feet at the cornice line with a total height limit of 90 feet. It would also make the new districts ineligible for an exception to the height limits which the Zoning Code allows for a building abutting a non-conforming building that exceeds the height limit, and it would limit additions to pre-Code (pre-1965) structures to one additional story, set back at a 45-degree angle from the cornice line. The location of the present H-5-70 and B-4-70 districts are shown on the attached map.

This proposal is an extension of another petition which would have created an H-5-65 district, in which the floor area ratio would have remained the same. This current petition affects the B-4-70 district on Newbury Street, as well as the H-5-70 district, since the scale of buildings on this street is similar to that of the residential streets and since some property owners on Newbury Street had been disappointed that their area was not included in the height limit change.

The staff finds that 94.4% of the buildings in the H-5-70 and B-4-70 districts are 65 feet high or less, based on information from the Sanborn maps. We, therefore, feel that the 65-foot height limit is reasonable.

Because there should be a reasonable relationship between height limit and floor area ratio, a calculation was made of the FAR's of a sample of two or three typical buildings in each block. Of this sample, 71% of the buildings had a floor area ratio of 3.0 or less. In addition to checking actual floor area ratios, a theoretical analysis of the relationship of FAR and height based on typical lot sizes in the Back Bay was made. Since the typical Back Bay house occupies the full width of the lot, lot depths are the controlling factor

in these calculations. Lot depths range from 110 feet on the south side of Newbury Street to 150 feet on the north side of Beacon Street. It was assumed that the average height of stories was 12 feet. The attached diagrams indicate that an FAR of 4.0 is compatible with a height limit of 65 feet. I recommend that the new districts be H-4-65 and B-4-65 districts, as the FAR of 3.0 might be unduly restrictive. The present floor area ratio of 5.0 and height limit of 70/90 feet appear to be excessive in relation to existing structures in the Back Bay.

The staff is in general sympathy with the desire to limit the number of additional stories to pre-Code structures. However, it feels that the Back Bay Architectural Commission is the appropriate body to make decisions of this sort, on a case by case basis.

Although the same might be said of the proposal to exclude the new districts from a provision of the Zoning Code that allows additional height to a building abutting a building that is above the height limit, the present buildings with excessive height, usually on corners, are usually quite a bit higher than their neighbors. The application of the formula for additional height could produce some startling changes in the general scale of the Back Bay.

I therefore recommend that the H-5-70 district be changed to an H-4-65 district, that the B-4-70 district be changed to a B-4-65 district, and that Item 5 of the proposed amendment, and the reference to it in Item 3, not be adopted. An appropriate Vote follows:

VOTED: That in connection with Text Amendment Application Nos. 71 and 75 and Map Amendment Application Nos. 203 and 206, by Judith Porteus and Kathleen Mullen for the Neighborhood Association of the Back Bay, the Boston Redevelopment Authority recommends that the H-5-70 district be changed to an H-4-65 district and the B-4-70 district be changed to a B-4-65 district; that Table B of Section 13-1 be amended to reflect these changes; and that the change to Section 16-3, which makes the new districts ineligible for certain exceptions to the height limits be adopted.

However, the Authority recommends that the proposed Section 16-7, limiting additional height of pre-Code structures not be adopted, and that the proposed footnote #9, which refers to Section 16-7, and the existing footnote 9, which contains the 70/90 foot height provision, both be eliminated from the maximum height and setback of parapet columns. In the setback of parapet column, this deletion should be replaced by "H + L' 6 for all uses", which is the setback of parapet formula for other H districts and for B-1, B-2 and B-4 districts.

The Authority finds that these changes are more compatible with the height and scale of buildings in the Back Bay than the present H-5-70 and B-4-70 districts are, but that the proposed limit on additional stories is better left to the discretion of the Back Bay Architectural Commission.

Text Amendment Application No. 75
 Neighborhood Association of the
 Back Bay: Change H-5-70 district
 to H-3-65 and B-4-70 district
 to B-3-65; exclude new districts
 from provisions of Section 16-3;
 limit additions to pre-Code
 structures in new districts.

TO THE ZONING COMMISSION
 OF THE CITY OF BOSTON:

The undersigned as owner(s) of the property at 337 Marlborough St.
337 Marlborough St.
 hereby petition(s) for a change in the text of the Boston Zoning Code
 as established by Chapter 665 of the Acts of 1956, as amended, as follows:

1. By striking out the district designation "H-5-70" and "B-4-70" as one or both appear in Section 3-1; in footnotes to Use Item Numbers 10, 13A, 14, 15, 16, 16A, 17, 18, 19, 20, 21, 22, 24, 29, 30, 37, 38, 39, 39A, 58, 77 and 79 in Table A of Section 8-7; in Sections 17-1, 11-2(e), 19-6(b) and 19-6(c); and wherever else these designations may appear in the Boston Zoning Code; and inserting in place thereof, in each instance, the following district designations:

H-3-65

and/or

B-3-65

2. By striking out in Table B of Section 13-1 the lines starting with H-5-70 and B-4-70, and inserting in proper order, under the following headings:

DISTRICT	TYPE OF USE	LOT SIZE minimum sq. ft.	LOT AREA minimum sq. ft. for each add'l. dwelling unit	LOT WIDTH minimum feet	FLOOR AREA RATIO maximum (1)	HEIGHT OF BUILDINGS maximum stories feet	USABLE OPEN SPACE minimum sq. ft. per dwelling unit	FRONT YARD minimum depth feet (14)	SIDE YARD minimum width feet	REAR YARD minimum depth feet	SETBACK OF PARAPET minimum distance from lot line	REAR YARD maximum % occupied by accessory buildings
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the following lines:

H-3-65	Any dwelling Other use	none none	none none	none none	1.0 1.0	- -	55(9)H 55(9)H	50 none	(10) (10)	(4) (4)	20 20	(9) (9)	40 40
B-3-65	Any dwelling Other use	none none	none none	none none	1.0 1.0	- -	55(9)H 55(9)H	50 none	(10) (10)	(1) none(5)	20 10-25(7)	(9) (9)	- -

3. By striking out footnote 9 of said Table B and inserting in place thereof the following footnote:

9. See Section 16-7 for regulations for pre-Code structures.

4. By inserting in the first sentence of Section 16-3, respecting height exceptions adjoining nonconforming structures, following the word "Wherever" the following phrase:

, other than in an H-3-65 or B-3-65 district,

5. By inserting after Section 16-6 the following section:

SECTION 16-7. Increase in Height of pre-Code Structures in H-3-65 and B-3-65 Districts. In an H-3-65 or B-3-65 district, the height of a structure existing on December 31, 1964, shall not be increased by more than one story nor more than 10 feet above its pre-Code height, nor shall the total height of such structure exceed the height limit specified in Table B of Section 13-1. Such additional story and all mechanical equipment shall be set back from the tops of the front and rear walls of the story below it by one foot for each foot in height above said tops of front and rear walls.

Kathleen Mullen

287 Newbury St

266-2684

5/18/80

Petitioner: Joseph Postone
Chairman of the Neighborhood

By: Association of the Back Bay

Address: 337 Marlborough St
Boston, Mass. 02115

Tel. No.: 262-5073

Date: May 14, 1980

from Section 5-4 of Boston Zoning Code as authorized by Chapter 665 of the Acts of 1956 and as amended May 27, 1970)

The estimated average cost to the City of a hearing on a proposed amendment of this code is hereby established as one hundred dollars".

Map Amendment Application No. 206
Judith Porteus for
Neighborhood Association of the Back Bay
Map new H-3-65 and B-3-65 districts

TO THE ZONING COMMISSION
OF THE CITY OF BOSTON:

The undersigned as owner(s) of the property at 337 Marlborough St.
287 Newbury St. hereby petition(s) for a change in the boundary lines of the
zoning districts of the City of Boston as established by Chapter 665 of the Acts
of 1956, as amended, which would affect said property as follows:

1. By changing all land in the Back Bay section of Boston that
is now in an H-5-70 district to an H-3-65 district.
2. By changing all land in the Back Bay section of Boston that
is now in a B-4-70 district to a B-3-65 district.

Petitioner: Judith Porteus
By: On behalf of the
Neighborhood Association of Back Bay
Address: 337 Marlborough St.
Boston, Mass. 02115
Tel. No.: 262-5073
Date: May 17, 1980

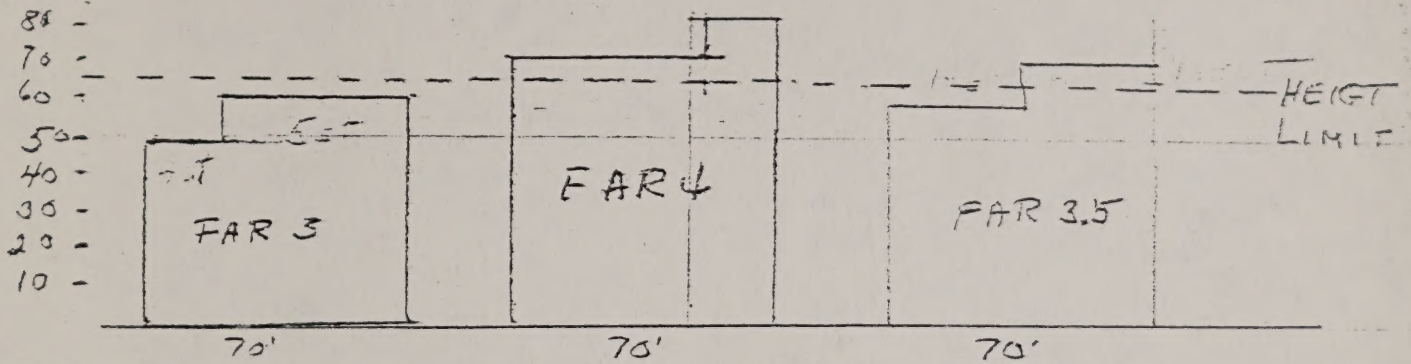
(From Section 5-4 of Boston Zoning Code as authorized by Chapter 665 of the Acts
of 1956 and as amended May 27, 1970)

"The estimated average cost to the City of a hearing on a proposed amendment of
this code is hereby established as one hundred dollars."

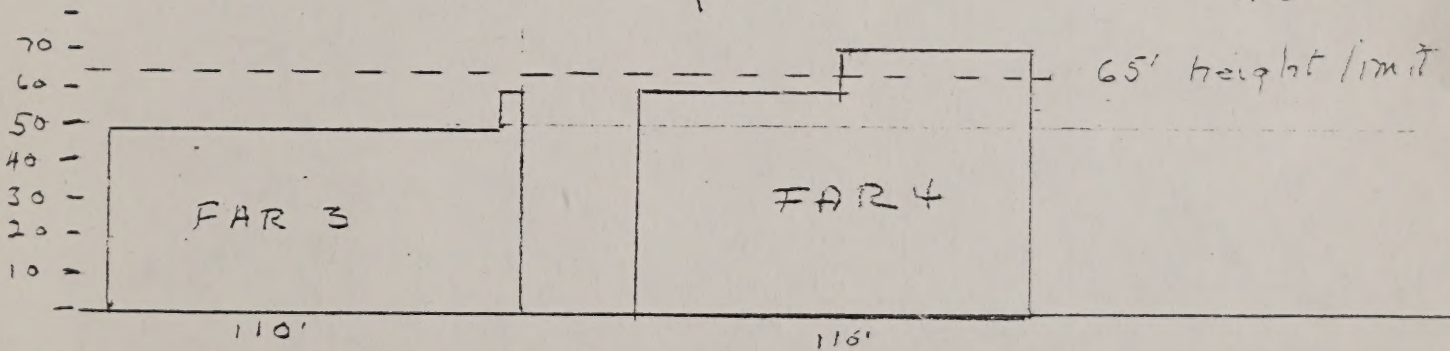


SOUTH SIDE OF NEWBURY ST - Lot depth 70'
 REQUIRED FRONT AND REAR YARDS 20' EACH - 40'
 MAXIMUM BUILDING DEPTH 70'

FEET



NORTH SIDE OF BEACON STREET - Lot depth 150' / 150'
 Less front + rear yards 40'
 Buildable depth 110'



NORTH SIDE COMMONWEALTH AVE - Lot depth 125'
 Less front + rear yards 40'
 Building depth 85'

